



Montana Department of LABOR & INDUSTRY

2 **Division: Workforce Services Division**
3 **Category: WIOA**
4 **Effective Date: 10/01/2018**
5 **Last Revised: 10/01/2021**
6 **Policy No.: 19-18**

Rapid Response Policy

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8 **Background:** Rapid Response encompasses the business-related strategies and activities necessary
9 to avert, plan for, and respond to an announcement or notification of a permanent closure or mass layoff or
10 mass job dislocation due to natural or other disasters; or the filing of a Trade Adjustment Assistance (TAA)
11 petition. Rapid Response delivers services to enable dislocated workers to transition to new employment as
12 quickly as possible. This includes layoff aversion strategies as part of business services to assist employers and
13 businesses to preempt potential layoffs, minimizing the impact on workers, businesses, and communities. The
14 Workforce Innovation and Opportunity Act (WIOA) requires that 25% of the Dislocated Worker funds be set aside
15 to provide Rapid Response activities.

16 The success of any effort to avoid potential closings or layoffs is dependent on how quickly and smoothly state
17 and local workforce development partners can implement an appropriate service strategy. The Montana
18 Department of Labor & Industry (MDLI), the state's Dislocated Worker and National Dislocated Worker Grants
19 programs' service entity, is responsible for providing all pre-layoff, early intervention Rapid Response activities
20 (WIOA Sec. 3(51)). These activities are provided as part of a comprehensive workforce development system
21 designed to respond quickly to a company that provides notice under the Worker Adjustment and Retraining
22 Notification Act (WARN), makes a general announcement of a plant closing, or provides other notification when
23 a layoff appears imminent. It is the responsibility of the MDLI Rapid Response Team to plan and provide early,
24 on-site intervention services to assist dislocated workers and ensure their efficient and rapid transition into
25 gainful employment.

26 **Scope:** This policy applies to all service providers operating business services, Rapid Response program
27 manager(s), WIOA fiscal officers, and the WIOA monitoring team. This policy is effective January 1, 2020.

Policy:

Required Rapid Response Activities:

- 30 • Layoff aversion activities and strategies as part of business services;
- 31 • Immediate contact with the business, representatives of the affected workers, and the local community,
32 including verification of information regarding the plant closure or significant layoff and an assessment
33 of the:
 - 34 ○ Company's plan and schedule;
 - 35 ○ Background, probable assistance needs, and workers' reemployment prospects; and
 - 36 ○ Available resources to meet the short and long-term assistance needs of the affected workers.
- 37 Various community partners are invited to attend Rapid Response meetings and present their
38 program information to the workers.

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- MDLI staff will attend the initial on-site company meeting and will provide the company with general information about services available to the company and its workers . The presentation may include information about layoff aversion strategies, matching affected workers with area employers who are hiring. Staff will provide workers with information and access to unemployment compensation benefits and programs, Job Service Montana (JSM) services, and employment and training activities including information on and referral to the WIOA Dislocated Worker program, Trade Adjustment Assistance (TAA), Pell Grants, and GI Bill. To support reemployment, Rapid Response staff will provide additional services to employees, which may include:
 - Group or individual registration;
 - Job search workshops, strategies, and techniques; and
 - Individual assessment and counseling.
 - Partnership with the State Workforce Innovation Board (SWIB) and chief elected officials to ensure a coordinated response to the dislocation event and, as needed, obtain access to state or local economic development assistance;
 - The provision of emergency assistance adapted to the particular layoff or disaster;
 - As appropriate, developing systems and processes for:
 - Identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion;
 - Analyzing, and acting upon, data and information on dislocations and other economic activity in the state or region; and
 - Tracking outcome and performance data and information related to the activities of the Rapid Response program.
 - Developing and maintaining partnerships with other appropriate federal, state, and local agencies and officials; business associations; technical and other industry business councils; labor and other public or private organizations, as applicable, in order to:
 - Conduct planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance; and
 - Develop mechanisms for gathering and exchanging information and data relating to potential dislocation, resources available, and the customization of layoff aversion or Rapid Response activities to ensure the ability to provide Rapid Response services as early as possible.
 - Additional assistance to local areas that experience disasters, mass layoffs, or other dislocation events that exceed the capacity of the local area to respond with existing resources.

71 **Business Services - Layoff Aversion:**

72 Montana’s Rapid Response team will develop and maintain a collaborative approach to the identification and
73 aversion of potential layoffs. Layoff aversion strategies and activities are customized to specific needs, rapidly
74 deployable, informed by economic data, and include on-going engagement and partnerships with businesses in
75 the community to assist dislocated workers with reemployment as soon as possible. This approach may
76 include, but is not limited to:

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- Providing assistance to businesses in managing reductions in force, which may include early identification of firms at risk of layoff, assessment of the needs of and options for at-risk firms, and the delivery of services to address those needs;
 - Funding feasibility studies to determine if a company’s operations may be sustained through a buyout or other means to avoid or minimize layoffs;
 - Developing, funding, and managing state incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity.
 - Connecting businesses to:
 - Short-time compensation or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available under Unemployment Insurance programs; and
 - Other federal, state, and local resources as necessary to address other business needs that cannot be funded with resources provided under WIOA.

- 89 • Establishing linkages with economic development entities including local business retention and
90 expansion activities;
- 91 • Partnering or contracting with business-focused organizations to assess risks to companies, propose
92 strategies to address those risks, implement services, and measure impacts of services delivered;
- 93 • Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities
94 from a potential closing or shift in production of their major customer;
- 95 • Engaging in proactive measures to identify opportunities for potential economic transition and training
96 needs in growing industry sectors or expanding businesses; and
- 97 • Connecting businesses and workers to short-term, on-the-job, or customized training programs and
98 apprenticeships before or after layoff to help facilitate rapid reemployment;
- 99 • Supporting the strategic planning and implementation of revitalized or enhanced business engagement
100 activities within the state.

101 Other Rapid Response Activities:

- 102 • MDLI's MIS offers program management, tracking, and oversight of Rapid Reponse activities. Rapid
103 Response staff are responsible for documenting all layoffs regardless of size. Within five (5) working
104 days of the plant closure or layoff, or at the earliest possible time, an Initial Screening Contact (ISC)
105 report should be completed in the MIS and sent to the DLI WSD ISC distribution list.
- 106 • WARN Act information will be provided to businesses at the time of ISC form completion.
- 107 • Workforce Services Division's Central Office staff will respond to WARN notices by informing the local
108 JSM office in the affected community. In those cases where a WARN notice is not required but the
109 closure or layoffs will have a significant impact on the community, JSOB staff will respond at the earliest
110 possible time.

111 Administrative Requirements:

- 112 • The Rapid Response program manager(s) will provide technical assistance to providers.

113 Monitoring and Evaluation:

- 114 • A formal monitoring will be conducted by the entity designated by SWIB.

115 References:

- 116 • [20 CFR 682.300 Subpart C Rapid Response Activities](#)
- 117 • [TEGL 19-16 Adult and Dislocated Worker Services](#)